

No. 05-17257

In the  
United States Court of Appeals  
for the Ninth Circuit

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MICHAEL A. NEWDOW, *ET AL.*,  
*Plaintiffs-Appellees*,

v.

RIO LINDA UNIFIED SCHOOL DISTRICT, *ET AL.*,  
*Defendants-Appellants*.

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On Appeal from the United States District Court,  
Eastern District of California

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**BRIEF OF Dr. Rex Curry AS *AMICI CURIAE***  
**IN SUPPORT OF PLAINTIFF-APPELLEE**

DR. REX CURRY  
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## **INTEREST OF *AMICI***

The undersigned attorney, Rex Curry, asks to file this brief *pro hac vice*, in order to alert the Court to recent shocking historical discoveries about the Pledge of Allegiance that should be important to anyone deciding the issues in this case. The entire Pledge of Allegiance (in addition to the explicit 2-word deification) is unconstitutional in government's schools due to its anti libertarian use for the worship of government and in light of its history as the origin of the salute of the National Socialist German Workers' Party. Undersigned counsel uncovered the fact that the pledge was the origin of the notorious straight-arm salute of the National Socialist German Workers' Party and that the pledge was (and is) intended to promote "Christian Socialism" and "National Socialism" and "Military Socialism" within the United States and to destroy the Constitution, individual Constitutional rights, and specifically First Amendment rights.

Counsel's commitment to the integrity of the United States Constitution and Bill of Rights that compels undersigned counsel to offer this brief. He has presented argument in other cases before the Supreme Court of the United States, and other federal and state courts, including a case involving the Establishment Clause and the Freedom of Exercise clause. Counsel has dedicated time and effort to defending and protecting First Amendment freedoms and all freedoms.

## **QUESTION PRESENTED**

Whether the entire Pledge of Allegiance (or even the explicit 2-word deification alone) violates the Establishment Clause and the Free Exercise Clause of the First Amendment, as applicable through the Fourteenth Amendment, in government schools due to its anti libertarian use for the worship of government and in light of its history as the origin of the salute of the National Socialist German Workers' Party.

## **SUMMARY OF THE ARGUMENT**

The Pledge was written by a Christian Socialist who hated the U.S. Constitution and who wanted to destroy the U.S. Constitution and individual rights because he perceived it as a document that was intended to limit the size and scope of government, and that it would not allow the totalitarian government desired under Christian Socialism. The pledge was intended to push Christian Socialism in government schools through robotic ritualized chanting for the worship of government, socialism and its graven image (the flag).

## **ARGUMENT**

Long ago, before government became so massive and before the USA's growing police state, most children were not educated in government schools. Even

after government schools began to be imposed (with more taxation), there was no flag, and no robotic chanting in worship of government and its flag.

All of that changed.

For nearly fifty years, laws have been used to compel that flags be placed in each classroom and that teachers begin each day by leading children in robotic chanting in worship of government and its flag.

Until the previous panel's courageous decision in this case, and its progeny, it seemed all was lost and no hope existed. *Elk Grove Indep. Sch. Dist. v. Newdow*, 542 U.S. 1 (2004). All previous decisions that upheld the pledge in the past were made in utter ignorance about the pledge's putrid past, fostered by decades of propaganda repeated in government schools. Even the United States Supreme Court decisions seem to be based on propaganda and ignorance (and therefore of questionable precedent). The other briefs filed in this case are also of questionable value in that they were probably penned by people who have similar ignorance, supplemented with years of learning propaganda. It is hoped that this brief will help to educate everyone about the pledge's horrible pedigree.

The Pledge of Allegiance was written by a self-proclaimed Christian Socialist who wanted the government to takeover all schools in order to impose his dogma on everyone.

The original pledge was merely a small part of a much larger ceremony that was replete with religious references and worship when it first appeared in the Youth's Companion Magazine (September 8, 1892). The pledge is as unconstitutional as would be the rest of the ceremony in which it began. It is even more unconstitutional with the in-your-face 2-word deification that was added in 1954.

Francis Bellamy had been a preacher who was chased out of that profession because he used it as a pulpit for his Christian Socialism. After leaving there, Francis continued to push his Christian Socialism, but switched to using the government and government schools as a mandatory method to continue his obsession.

The people who hired Bellamy at the Youth's Companion and who gave him his pledge assignment were familiar with, and embraced, Bellamy's "Christian socialism." Francis had written and worked for his theology openly before then. In addition, Francis was cousin and cohort to Edward Bellamy, an internationally famous Christian Socialist. Both Bellamys had been openly involved in the national socialism movement and the "Nationalist" magazine.

The Bellamys hated the Constitution because, way back then, people actually thought that it was supposed to limit the size and scope of government. The Bellamy dogma was supposed to have been impossible under the Constitution. Francis never mentions the Constitution in his original pledge ceremony.

Most government school students do not know that the 2-word deification in the pledge was not in the original. Undersigned counsel was the first to point out that Francis Bellamy did use the phrase in his original pledge ceremony. That ceremony also touts “Organic Christianity,” a new age, God and religion in various ways.

A relative of Francis has been quoted as saying that Francis would have objected to the insertion of the phrase in 1954. That might be true in the sense that Francis would not want other people altering his work. It is probably not true in the sense for which the relative’s claim is usually offered. There is no reason to think that the 2-word phrase would have bothered Francis at all if Francis had thought to put it in his own pledge. Francis was pushing “Christian Socialism.” The phrase was in the ceremony but not in the pledge. That it was not in the pledge seems almost an oversight (and it also ruins Francis’ pledge beat, but that wasn’t the point was it?).

Francis’ original ceremony also makes cryptic references to Edward Bellamy’s Bible of National Socialism, and the industrial army, and states “We, the youth of America, who to-day unite to march as one army under the sacred flag, understand our duty.”

Due to his work at the Youth’s Companion, Francis has been described as an advertising pioneer. It would make more sense to say that he was a very successful propaganda pioneer. He was America’s Leni Riefenstahl. His work was more lasting



and is still insanely popular to this day.

Francis Bellamy was the cousin and cohort of Edward Bellamy, the author of "Looking Backward 2000-1887" an international bestseller that was called the "Bible of National Socialism." It was so popular that it was translated into every major language, including German, Russian, and Chinese. It immediately inspired a supportive political movement with "Nationalism Clubs" worldwide.

The Bellamy dogma inspired socialists everywhere, including in the countries of the socialist Wholecaust (of which the Holocaust was a part): 65 million slaughtered under the Union of Soviet Socialist Republics; 49 million slaughtered under the Peoples' Republic of China; 21 million slaughtered under the National Socialist German Workers' Party.

The dogma and the pledge also inspired violence in the USA against people who would not join in the worshipful chanting. Some perceptive people back then were not ignoramuses and had not been taught propaganda in government schools all of their lives. Religious children saw through the socialist's pledge and they refused robotic chanting because it was the worship of government, socialism, and a graven image. The government schools persecuted and expelled children who would not comply, arrested parents, and even took children from parents on allegations of "unfit parenting." There were acts of grotesque violence inspired by the pledge against

people who would not join in the robotic chanting.

The Bellamys adored the military and they wanted to nationalize the entire economy, and make everyone ape the military. They also called their dogma “military socialism” and they wanted government to take over all schools in order to create the “industrial army” from schoolchildren and spread their totalitarian vision. Francis was pleased to adopt his co-worker’s suggestion that the pledge’s initial gesture should be the military salute.

The initial military salute was held for the phrase “I pledge allegiance” and then the hand was extended outward toward the flag. In actual use, the second part of the gesture was performed with a straight arm and palm down by children extending the military salute while perfunctorily performing the forced ritual chanting. Photographs confirm it and that is why such photographs are never shown in schools, in the media, in court decisions, and are difficult to find. Due to the way that both gestures were used sequentially in the pledge, the military salute led to the salute of the National Socialist German Workers Party (NSGWP). The NSGWP salute is an extended military salute via the pledge.

The straight-arm salute with the palm down was not an “ancient Roman salute” and the “ancient Roman salute” is a myth. There are various ways that the myth could have begun: early silent movies (all well after the Pledge spread) used the

pledge gesture in fictional Roman scenes; Francis was from Rome, New York and he referenced Rome in the original pledge ceremony. Mussolini also eventually adopted the salute and some people might have called it the “Roman salute” in reference to his location, and from there others mistakenly assumed that the description referenced an older history in Rome.

Francis’ original description had the palm turned upward as if to say “Here is the flag.” But that does not change the fact that his pledge was not performed in that manner, and he knew it was not performed in that manner, and he apparently never objected to it being performed with the palm down.

It would be fascinating to know what Francis Bellamy was thinking in the 1920's (when the NSGWP began). In 1931, Francis Bellamy died in Tampa, Florida at age 76. He died just as his salute and ideas became even more infamous. He had lived long enough to see part of the socialist slaughter in the Union of Soviet Socialist Republics and the beginning of the National Socialist German Workers’ Party aping his straight-arm salute.

Even when it was performed with the palm up, intelligent people still feared the bizarre ritual, and even moreso when the 1930's arrived.

Many religious people were persecuted for refusing to give the straight-arm salute to the national flag. That was the national flag of the USA and of Germany.

It was happening in the USA (to the stars and stripes) and in Germany (to the swastika flag) at the same time.

They were good reasons to consider the pledge and the salute to be the sacrilegious worship of government. The world forgets that German National Socialists did not call their symbol a swastika. Most people do not know that a cross was worshiped as the notorious symbol of the National Socialist German Workers' Party. The group called their symbol the Hakenkreuz, not the swastika. Hakenkreuz means "hooked cross."

Although the swastika was an ancient symbol, Professor Rex Curry discovered that it was also used sometimes by German National Socialists to represent "S" letters for their "socialism." With a 45 degree turn of his Hakenkreuz, the leader of German National Socialists combined the cross with collectivism, merged church and state, meshed religion and socialism, and mandated the worship of government.

People forget that members of the National Socialist German Workers' Party did not refer to themselves by the n-word (the modern hackneyed shorthand term). They also did not refer to themselves with the common f-word either.

That type of forgetfulness breeds ignorance and myths about the pledge. That type of ignorance is shown in an old pledge case from the U.S. Supreme Court case, *West Virginia v. Barnette*, 319 U.S. 624 (1943). In *Barnette*, the Court noted that,

“Objections to the salute as 'being too much like Hitler's' were raised by the Parent and Teachers Association, the Boy and Girl [319 U.S. 624, 628] Scouts, the Red Cross, and the Federation of Women's Clubs. (Fn. 3) Some modification appears to have been made in deference to these objections, but no concession was made to Jehovah's Witnesses. (Fn. 4). What is now required is the 'stiff-arm' salute, the saluter to keep the right hand raised with palm turned up while the following is repeated: 'I pledge allegiance to the Flag of the United States of [319 U.S. 624, 629] America and to the Republic for which it stands; one Nation, indivisible, with liberty and justice for all.'

The Court's footnote 3 stated “The National Headquarters of the United States Flag Association takes the position that the extension of the right arm in this salute to the flag is not the Nazi-Fascist salute, 'although quite similar to it. In the Pledge to the Flag the right arm is extended and raised, palm Upward, whereas the Nazis extend the arm practically straight to the front (the finger tips being about even with the eyes), palm Downward, and the Fascists do the same except they raise the arm slightly higher.' James A. Moss, *The Flag of the United States: Its History and Symbolism* (1914) 108.”

In the footnote, Moss uses the hackneyed shorthand terms that were NOT used by the National Socialist German Workers' Party, and Moss follows the modern habit

of never using the actual name of the Party. Thus, Moss (and the Court) is prevented from making any connection to the Bellamy dogma of National Socialism (of which the writer was probably unaware anyway). The descriptions of the foreign salutes is not only inaccurate, but Moss thus misses their source in the early Pledge of Allegiance, with the question never even crossing his mind. The section states that the original Youth's Companion describes a different gesture, but the section fails to face the fact that the Youth's Companion gesture is NOT how the pledge was actually performed (until, as Barnette notes, people started to complain about the fact that it was the SAME, and the government realized that they weren't mandating the original description. Later, the government gave up and went for the hand-over-the-heart. IT is amazing that Congress decided to inject itself into the mess, and that it did so after the USA was in WWII).

There is support for the religious connection from other authors who compare the Holocaust under the National Socialist German Workers Party to an Inquisition (including religious persecution) undertaken by the leader of German National Socialism under his religious beliefs.

Many of those people in Germany were persecuted, and some were killed. They were also persecuted in the USA for refusing to perform the straight-arm salute in worship of the national flag and the government during the Pledge of Allegiance.

Jewish Folks and Jehovah's Witnesses, and blacks and people of various races and backgrounds were required by law to perform the straight-arm salute in government schools in robotic chanting every morning at the ring of a government bell (just as it is done today but with a different gesture). The USA was doing the straight arm salute to the national flag for three decades before German National Socialists started doing the same thing.

Some of the major Supreme Court cases in the USA started in the 1930's and weren't decided until the 1940's. At first, the religious children were unsuccessful as plaintiffs and they were expelled from the socialist schools for refusing to perform the straight-arm salute and robotically chant the pledge. The children had to use the many better alternatives, including home-schooling and their own church or temple schools, but they (and their schools) were often persecuted by socialists there also.

It is sad to note that during the same time period in the USA, religious folks who were fleeing the National Socialist German Workers' Party (NSGWP) were turned away from the USA, and knowingly sent to suffering and death. That happened because of socialists who support restrictions on immigration and restrictions on every American's right to hire, to do business, and to freely associate. It was similar to today. Socialists in the USA still support restrictions on immigration and they reject the right of every American in living with, marrying, renting to,

selling to, buying from, hiring (as housekeeper, lawn man, doctor, nanny, teacher etc) any person with whom that American wishes to associate. People forget the past.

The Bellamys were bigots, racists, and xenophobes and they obsessed about immigrants coming into the USA. They wanted to impose a heavy-handed method of brain-washing immigrants and all Americans into accepting their Christian Socialism. Because of the Bellamys, the USA has a long history of turning immigrants away from being good Americans and independent capitalists, and in turning immigrants into socialists who are dependent on government.

The Bellamys promoted a government takeover of schools. When the government granted their wish, the government schools imposed segregation by law and taught racism as official government policy.

In 1939, the National Socialist German Workers' Party and the Union of Soviet Socialist Republics joined as allies to invade Poland in a pact to divide up Europe. After WWII, Stalin and Mao went on to kill even more people. It led to the socialist Wholecaust (of which the Holocaust was a part): 62 million killed under the former Union of Soviet Socialist Republics; 49 million under the Peoples' Republic of China; 21 million under the National Socialist German Workers' Party.

Many Americans are sad examples of how places like that come into existence, grow so large, last so long, and kill so many.



At the height of National Socialism abroad, the USA's government deliberately fell farther into the same abyss with national numbering of humans imposed in 1935 with the social security system. The federal government was growing massively and attempting to nationalize the economy in many ways. The US Supreme Court struck down much of the new legislation as unconstitutional until justices were pressured by the "switch in time that socialized nine."

Authors of books about the Pledge of Allegiance try to make their stories relevant to current events. Such stories are relevant to the fact that the present government in the USA is anti libertarian and is out-socializing the previous administration by more than double and growing (in social spending ALONE). The demonic dogma of socialism and human sacrifice is still growing all over the world.

The USA still follows similar anti libertarian policies promoted by the Bellamys. Many socialist Bellamy policies caused the USA's big, expensive and oppressive government and its growing police-state. The Pledge still exists along with laws mandating that teachers lead the robotic pledge chanting every day for twelve years of each child's life (though the salute was altered). The government still owns and operates schools, including the same schools that imposed segregation by law and taught racism as official government policy. The U.S. practice of imposing segregation by law in government schools and teaching racism as official policy even

outlasted the National Socialist German Workers' Party by over 15 years. After segregation in government's schools ended, the Bellamy legacy caused more police-state racism of forced busing that destroyed communities and neighborhoods and deepened hostilities. Those schools still exist. Infants are given social security numbers that track and tax them for life. Government schools demand the numbers for enrollment.

Real Americans don't pledge allegiance. Real Americans declare their independence. It is in keeping with THE DECLARATION OF INDEPENDENCE (U.S. 1776). If government's schools taught the true history of the pledge, then no child would chant it. If Americans knew the truth, then the pledge would cease to exist.

Fight the flag hags and their flag fetish. Government's schools should not teach kids to verbally fellate flags each morning. It is like a brainwashed cult of the omnipotent state. For adults it is childish. The Pledge of Allegiance is emotional masturbation.

The federal government has no place in education and it is tyrannical. Federal flags are at schools to prevent liberty and to impose National Socialism. The Pledge is the most visible sign of the USA's growing police state.

Remove the Pledge from the flag, the flags from schools, and the schools from

government.

### CONCLUSION

For the foregoing reasons, undersigned counsel files this amicus curiae brief arguing that the Court uphold the district court's injunction, and counsel moves to appear pro hac vice for this purpose.

Respectfully submitted,

\_\_\_\_\_  
REX CURRY  
Attorney At Law

### CERTIFICATE OF SERVICE

The undersigned counsel does hereby certify that two true and correct copies of Brief of *Amici Curiae* were served via U.S. Mail on June \_\_\_\_\_, 2006, to:

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